

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALFREDO HERNANDEZ,

Plaintiff,

v.

JEFF MACOMBER, et al.,

Defendants.

No. 2:22-cv-0964 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that defendants made false allegations during the disciplinary hearing process. Presently before the court is defendants' motion to modify the October 31, 2023, Discovery and Scheduling Order ("DSO") and plaintiff's notice of motion for a witness to appear at trial.

Defendants request to extend the deadline to take plaintiff's deposition to April 30, 2024. (ECF No. 28.) In support of the motion defendants state plaintiff is currently out to court for a criminal matter and will be returned to California Department of Corrections and Rehabilitation ("CDCR") custody once it concludes. (*Id.* at 3.) Good cause appearing, the court will grant the motion.

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1 Plaintiff has filed a notice requesting the attendance of an inmate at trial. The court will
2 deny the motion without prejudice because it is premature. Plaintiff may file a renewed motion
3 after resolution of any dispositive motions.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Defendant's motion to modify the DSO (ECF No. 28) is granted;
- 6 2. The DSO remains unchanged in other aspects; and
- 7 3. Plaintiff's motion notice of motion for witness appearance at trial is denied without
8 prejudice to its renewal.

9 Dated: February 26, 2024

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12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE
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